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 SURGICAL INSTRUMENT SERVICE COMPANY, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SURGICAL INSTRUMENT SERVICE
 COMPANY, INC.

Plaintiff/Counter-Defendant,

v.

INTUITIVE SURGICAL, INC.,

Defendant/Counterclaimant.

Case No. 3:21-cv-03496-VC

Honorable Vince Chhabria

**TABLE OF EXHIBITS RE
 PLAINTIFF'S MOTION FOR
 PARTIAL SUMMARY JUDGMENT**

Judge: The Honorable Vince Chhabria

Pursuant to Paragraph 48 of the Court's Standing Order, Plaintiff Surgical Instrument Service Company, Inc. ("SIS") provides the following table of exhibits specifying the declaration to which each exhibit is attached and briefly describing each document:

Exhibit	Declaration	Description	Under Seal or RJN
1	Van Hoven ¶ 1	Intuitive Form 10-K for the fiscal year ended December 31, 2022	Judicial Notice Requested
2	Van Hoven ¶ 2	US Patent No. 5,792,135, for an "Articulated surgical instrument for performing minimally invasive surgery with enhanced dexterity and sensitivity"	Judicial Notice Requested
3	Van Hoven ¶ 3	Excerpts of Deposition of Dr. Robert Howe (Feb. 24, 2023)	Filed Under Seal (Intuitive)
4	Van Hoven ¶ 4	Intuitive Patent Notice pursuant to 35 U.S.C. § 287(a)	Judicial Notice Requested

1	Exhibit	Declaration	Description	Under Seal or RJN
2	5	Van Hoven ¶ 5	Excerpts of 30(b)(1) Deposition of Grant Duque (Nov. 8, 2022)	Filed Under Seal (Intuitive)
3	6	Van Hoven ¶ 6	Excerpts of Expert Report of Amandeep Mahal, M.D	No
4	7	Van Hoven ¶ 7	Excerpts of Deposition of Sharathchandra “Shark” Somayaji (Nov. 4, 2022)	Filed Under Seal (Intuitive)
5	8	Van Hoven ¶ 8	Excerpts of the deposition of Daniel Jones (Nov. 10, 2022).	Filed Under Seal (Intuitive)
6	9	Van Hoven ¶ 9	Excerpts of Expert Report of Russell L. Lamb, Ph.D.	Filed Under Seal (Intuitive)
7	10	Van Hoven ¶ 10	Excerpts of Expert Report of T. Kim Parnell, Ph.D.	Filed Under Seal (Intuitive, Rebotix)
8	11	Van Hoven ¶ 11	Excerpts of the 30(b)(6) deposition of Grant Duque (Nov. 8, 2022)	Filed Under Seal (Intuitive)
9	12	Van Hoven ¶ 12	July 21, 2022. Intuitive Letter, bates-labeled as Intuitive-02066979-Intuitive-02067059.	Filed Under Seal (Intuitive)
10	13	Van Hoven ¶ 13	Excerpts of the deposition of Maxwell Meng, M.D (March 7, 2023)	Filed Under Seal (Intuitive)
11	14	Van Hoven ¶ 14	Excerpts of the Deposition of Colin Morales (Nov. 9, 2022).	Filed Under Seal (Intuitive)
12	15	Van Hoven ¶ 15	Document entitled “Gen4 Instrument Refurbishment Pilot”, bates-labeled Intuitive-00626597- Intuitive-00626616	Filed Under Seal (Intuitive)
13	16	Van Hoven ¶ 16	Document entitled “Core Instrument Strategy”, bates-labeled Intuitive-00671209-Intuitive00671220.	Filed Under Seal (Intuitive)
14	17	Van Hoven ¶ 17	SIS “About Us” webpage, available at https://sis-usa.com/about/	No
15	18	Van Hoven ¶ 18	Excerpts of the 30(b)(1) Deposition of Greg Posdal (Nov. 1, 2022).	No
16	19	Van Hoven ¶ 19	Excerpts of the 30(b)(1) Deposition of Keith Johnson (Oct. 27, 2022).	No
17	20	Van Hoven ¶ 20	Excerpts of the 30(b)(6) Deposition of Keith Johnson (Oct. 27, 2022).	No
18	21	Van Hoven ¶ 21	Document labeled “da Vinci® EndoWrist® Repair FAQs” and bates-labeled SIS095119-39.	No
19	22	Van Hoven ¶ 22	Excerpts of the deposition of Clifton Earl Parker (Oct. 25, 2022)	No
20	23	Van Hoven ¶ 23	Excerpts of the 30(b)(6) Deposition of Greg Posdal (Nov. 1, 2022).	No

Exhibit	Declaration	Description	Under Seal or RJN
24	Van Hoven ¶ 24	November 26, 2019, Intuitive Letter, bates-labeled Intuitive-00049154-Intuitive-00049156.	Filed Under Seal (Intuitive)
25	Van Hoven ¶ 25	February 14, 2020, Intuitive Letter, bates-labeled Intuitive-00986535-Intuitive-00986537.	Filed Under Seal (Intuitive)
26	Van Hoven ¶ 26	January 29, 2020, Intuitive Letter, bates-labeled Intuitive-00552745-Intuitive-00552759.	Filed Under Seal (Intuitive)
27	Van Hoven ¶ 27	Pure Food and Drug Act of 1906 (34 Stat. 768, Ch. 3915)	No
28	Van Hoven ¶ 28	Federal Food, Drug and Cosmetic Act of 1938 (52 Stat. 1040)	No
29	Van Hoven ¶ 29	“Medical Device and Radiological Health Regulations Come of Age”, Carol Rados, published in the FDA Consumer (2006).	No
30	Van Hoven ¶ 30	Medical Device Amendments of 1976 (90 Stat. 53).	No
31	Van Hoven ¶ 31	Safe Medical Devices Act of 1990 (104 Stat. 4511).	No
32	Van Hoven ¶ 32	Congressional Record Volume 148, Issue 137 – Part II (July 12, 2002).	No
33	Van Hoven ¶ 33	Medical Device User Fee and Modernization Act of 2002 (116 Stat. 1588).	No
34	Van Hoven ¶ 34	Text of Medical Device Servicing Safety and Accountability Act (H. R. 2118).	Judicial Notice Requested
35	Van Hoven ¶ 35	FDA Reauthorization Act of 2017, as introduced (H. R. 2430).	No
36	Van Hoven ¶ 36	FDA Reauthorization Act of 2017, as passed (131 Stat. 1005).	No
37	Van Hoven ¶ 37	Clarifying Remanufacturing to Protect Patient Safety Act of 2022 (H. R. 7253)	No
38	Van Hoven ¶ 38	Actions Printout for Clarifying Remanufacturing to Protect Patient Safety Act of 2022 (H. R. 7253).	Judicial Notice Requested
39	Van Hoven ¶ 39	Federal Register of October 7, 1996 (Vol. 61, No. 195)	No
40	Van Hoven ¶ 40	Federal Register of December 23, 1997 (Vol. 62, No. 246).	No
41	Van Hoven ¶ 41	Federal Register of March 4, 2016 (Vol. 81, No. 43).	No

Exhibit	Declaration	Description	Under Seal or RJN
42	Van Hoven ¶ 42	Federal Register of July 18, 2016 (Vol. 81, No. 137).	No
43	Van Hoven ¶ 43	Transcription of the FDA October 27, 2016 Workshop on Refurbishing, Reconditioning, Rebuilding, Remarketing, Remanufacturing, and Services of Medical Devices.	Judicial Notice Requested
44	Van Hoven ¶ 44	FDA Report on the Quality, Safety, and Effectiveness of Servicing of Medical Device (May 2018).	Judicial Notice Requested
45	Van Hoven ¶ 45	White Paper entitled “Evaluating Whether Activities are Servicing or Remanufacturing” (May 2018).	Judicial Notice Requested
46	Van Hoven ¶ 46	“Draft Guidance for Industry and Food and Drug Administration Staff” (June 24, 2021)	Judicial Notice Requested
47	Van Hoven ¶ 47	E-mail correspondence between FDA and Rebotix, starting February 28, 2020, bates-labeled REBOTIX171224-REBOTIX171226.	No
48	Van Hoven ¶ 48	E-mail correspondence between FDA and Rebotix, from December 13, 2021 – July 22, 2022.	No
49	Van Hoven ¶ 49	Excerpts of the deposition of Stan Hamilton (Nov. 4, 2022)	Filed Under Seal (Rebotix)
50	Van Hoven ¶ 50	Excerpts of Expert Report of Christy Foreman, MBE	Filed Under Seal (Intuitive)

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1 Dated: March 23, 2023

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3 By: /s/ Joshua Van Hoven

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